

CALENDAR ITEM

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06/28/16

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PRC 7199.1

V. Caldwell

GENERAL LEASE – RECREATIONAL AND PROTECTIVE STRUCTURE USE

APPLICANT:

Steven T. Ramos and Anita T. Ramos

PROPOSED LEASE:

AREA, LAND TYPE, AND LOCATION:

Sovereign land located in Steamboat Slough, adjacent to 3456 Snug Harbor Drive, on Ryer Island, near Walnut Grove, Solano County.

AUTHORIZED USE:

Continued use and maintenance of an existing uncovered floating boat dock, pilings, ramp, and bank protection.

LEASE TERM:

10 years, beginning June 28, 2016.

CONSIDERATION:

Uncovered floating boat dock, pilings, and ramp: \$134 per year, with an annual Consumer Price Index adjustment.

Bank Protection: The public use and benefit, with the State reserving the right at any time to set a monetary rent if the Commission finds such action to be in the State's best interests.

SPECIFIC LEASE PROVISIONS:

Liability insurance in an amount of no less than \$1,000,000 per occurrence.

STAFF ANALYSIS AND RECOMMENDATION:

Authority:

Public Resources Code sections 6005, 6216, 6301, and 6505.5; California Code of Regulations, Title 2, section 2000, subdivision (b).

CALENDAR ITEM NO. **C30** (CONT'D)

Public Trust and State's Best Interests Analysis:

The subject dock and appurtenant facilities are for the docking and mooring of boats. Recreational boating is water-dependent and is generally consistent with the common law Public Trust Doctrine. The California Legislature has identified private recreational boating facilities as an authorized use of public trust lands (Pub. Resources Code, § 6503.5). The subject structures are privately owned and maintained. The adjacent upland parcel is privately owned and developed with a residence. The proposed lease includes certain provisions protecting the public use of the proposed lease area, including a limited lease term of 10 years, and a non-exclusive use provision. The limited lease term allows the Commission flexibility if it later determines that the public trust needs of the area have changed over time.

The dock and appurtenant facilities have existed for many years at this location. The facilities do not significantly alter the land, and the lease does not alienate the State's fee simple interest, and neither permanently impairs public rights. Upon termination of the lease, the Lessee may be required to remove any improvements and restore the lease premises to their original condition. Based on the foregoing, Commission staff believes that the dock and appurtenant facilities will not substantially interfere with public trust needs, at this location, at this time, and for the foreseeable term of the proposed lease.

The proposed lease requires the lessee to insure the lease premises and indemnify the state for any liability incurred as a result of the lessee's activities thereon. The lease also requires the payment of annual rent to compensate the people of the State for the occupation of the public land involved. The bank protection will maintain and improve the integrity of the river channel, which will help protect the public trust resource of the river for recreational and navigational purposes by the public. For all the reasons above, Commission staff believes the issuance of this lease is consistent with the common law Public Trust Doctrine and is in the best interests of the State.

OTHER PERTINENT INFORMATION:

1. Applicant owns the uplands adjoining the lease premises.
2. On December 16, 1998, the Commission authorized a General Lease – Recreational and Protective Structure Use to Franklin D. Ramos and Joann Ramos. That lease expired on May 31, 2008. On December 24, 2002, the upland was deeded to Steven T. Ramos and Anita T. Ramos.

CALENDAR ITEM NO. **C30** (CONT'D)

The Applicant is now applying for a General Lease – Recreational and Protective Structure Use.

3. The proposed action is consistent with Strategy 1.1 of the Commission's Strategic Plan to deliver the highest levels of public health and safety in the protection, preservation, and responsible economic use of the lands and resources under the Commission's jurisdiction.
4. The staff recommends that the Commission find that this activity is exempt from the requirements of the California Environmental Quality Act (CEQA) as a categorically exempt project. The project is exempt under Class 1, Existing Facilities; California Code of Regulations, Title 2, section 2905, subdivision (a)(2).

Authority: Public Resources Code section 21084 and California Code of Regulations, Title 14, section 15300 and California Code of Regulations, Title 2, section 2905.

5. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code section 6370 et seq., but such activity will not affect those significant lands. Based upon the staff's consultation with the persons nominating such lands and through the CEQA review process, it is the staff's opinion that the project, as proposed, is consistent with its use classification.

EXHIBITS:

- A. Land Description
- B. Site and Location Map

RECOMMENDED ACTION:

It is recommended that the Commission:

PUBLIC TRUST AND STATE'S BEST INTERESTS:

Find that the proposed lease will not substantially impair the public rights to navigation and fishing or substantially interfere with the public trust needs and values at this location at this time, is consistent with the common law Public Trust Doctrine, and is in the best interests of the State.

CALENDAR ITEM NO. **C30** (CONT'D)

CEQA FINDING:

Find that the activity is exempt from the requirements of CEQA pursuant to California Code of Regulations, Title 14, section 15061 as a categorically exempt project, Class 1, Existing Facilities; California Code of Regulations, Title 2, section 2905, subdivision (a)(2).

SIGNIFICANT LANDS INVENTORY FINDING:

Find that this activity is consistent with the use classification designated by the Commission for the land pursuant to Public Resources Code section 6370 et seq.

AUTHORIZATION:

Authorize issuance of a General Lease – Recreational and Protective Structure Use to Steven T. Ramos and Anita T. Ramos beginning June 28, 2016, for a term of 10 years, for an existing uncovered floating boat dock, pilings, ramp, and bank protection, as described in Exhibit A and shown on Exhibit B (for reference purposes only), attached and by this reference made a part hereof; consideration for the uncovered floating boat dock, pilings, and ramp: \$134 per year, with an annual Consumer Price Index adjustment; consideration for the bank protection: the public use and benefit, with the State reserving the right at any time to set a monetary rent if the Commission finds such action to be in the State's best interests; and liability insurance in an amount no less than \$1,000,000 per occurrence.

EXHIBIT A

PRC 7199.1

LAND DESCRIPTION

Two parcels of tide and submerged land situate in the bed of the Steamboat Slough, lying adjacent to Swamp and Overflowed Land Survey 544 patented October 17, 1878, County of Solano, State of California and more particularly described as follows:

PARCEL 1 – Boat Dock

All those lands underlying an existing uncovered floating boat dock, ramp and two wood pilings lying adjacent to that parcel described in Exhibit "One" of that Grant Deed, recorded December 24, 2002 in Document No. 20020016312 in Official Records of said County.

TOGETHER WITH any applicable Impact Area(s).

ALSO TOGETHER WITH all those lands lying immediately beneath any existing bank protection structure adjacent to said parcel.

EXCEPTING THEREFROM any portion lying landward of the ordinary high water mark of said Steamboat Slough.

PARCEL 2- Unattached Piling

All those lands underlying an existing wood piling lying adjacent to that parcel described in Exhibit "One" of that Grant Deed, recorded December 24, 2002 in Document No. 20020016312 in Official Records of said County.

Accompanying plat is hereby made part of this description.

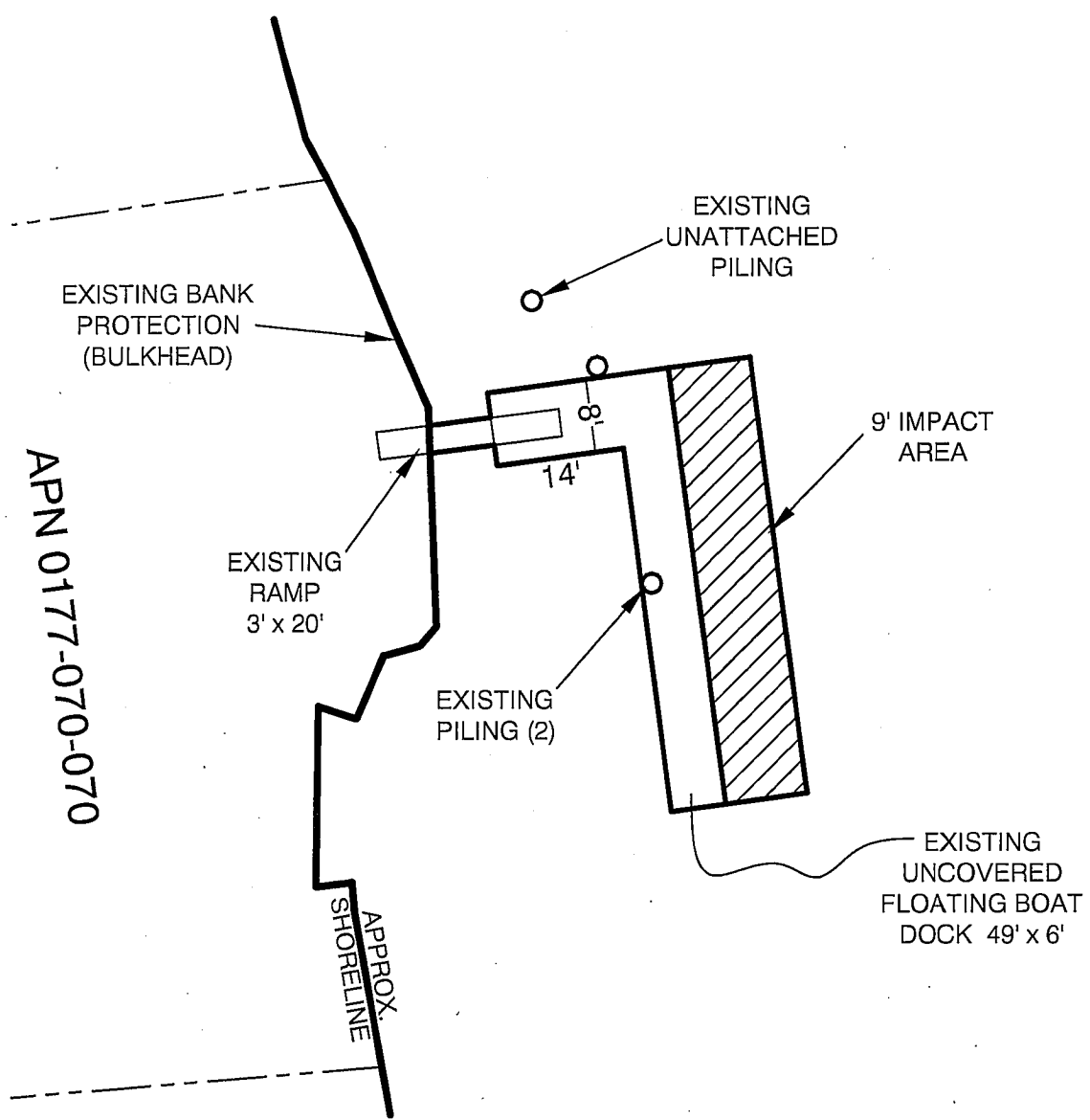
END OF DESCRIPTION

Prepared 04/13/16 by the California
State Lands Commission Boundary Unit





STEAMBOAT SLOUGH



APN 0177-070-070

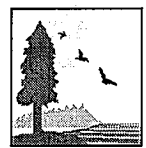
EXHIBIT A

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LAND DESCRIPTION PLAT
PRC 7199.1, RAMOS
SOLANO COUNTY

CALIFORNIA STATE
LANDS COMMISSION



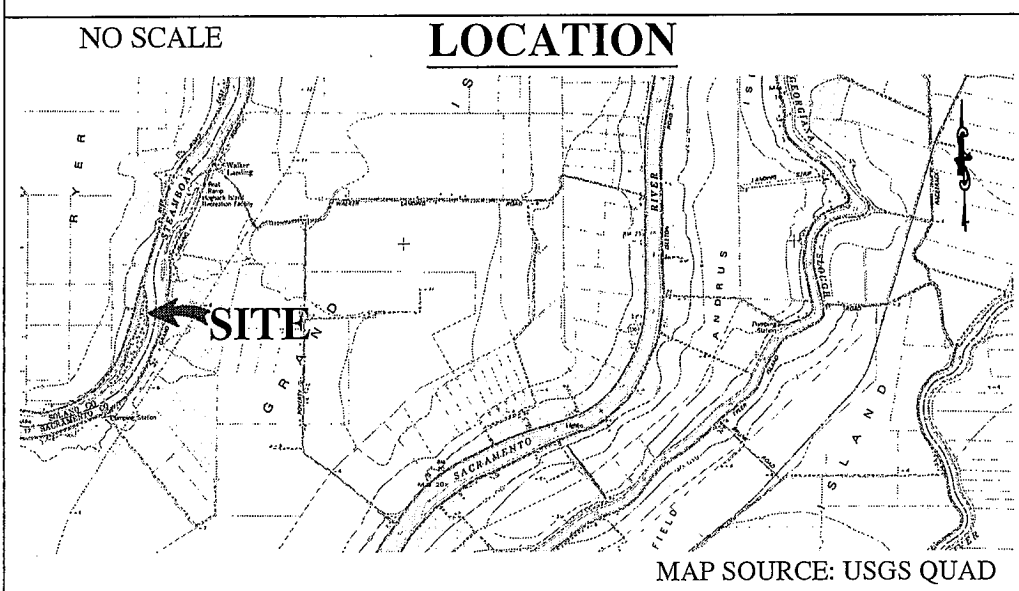
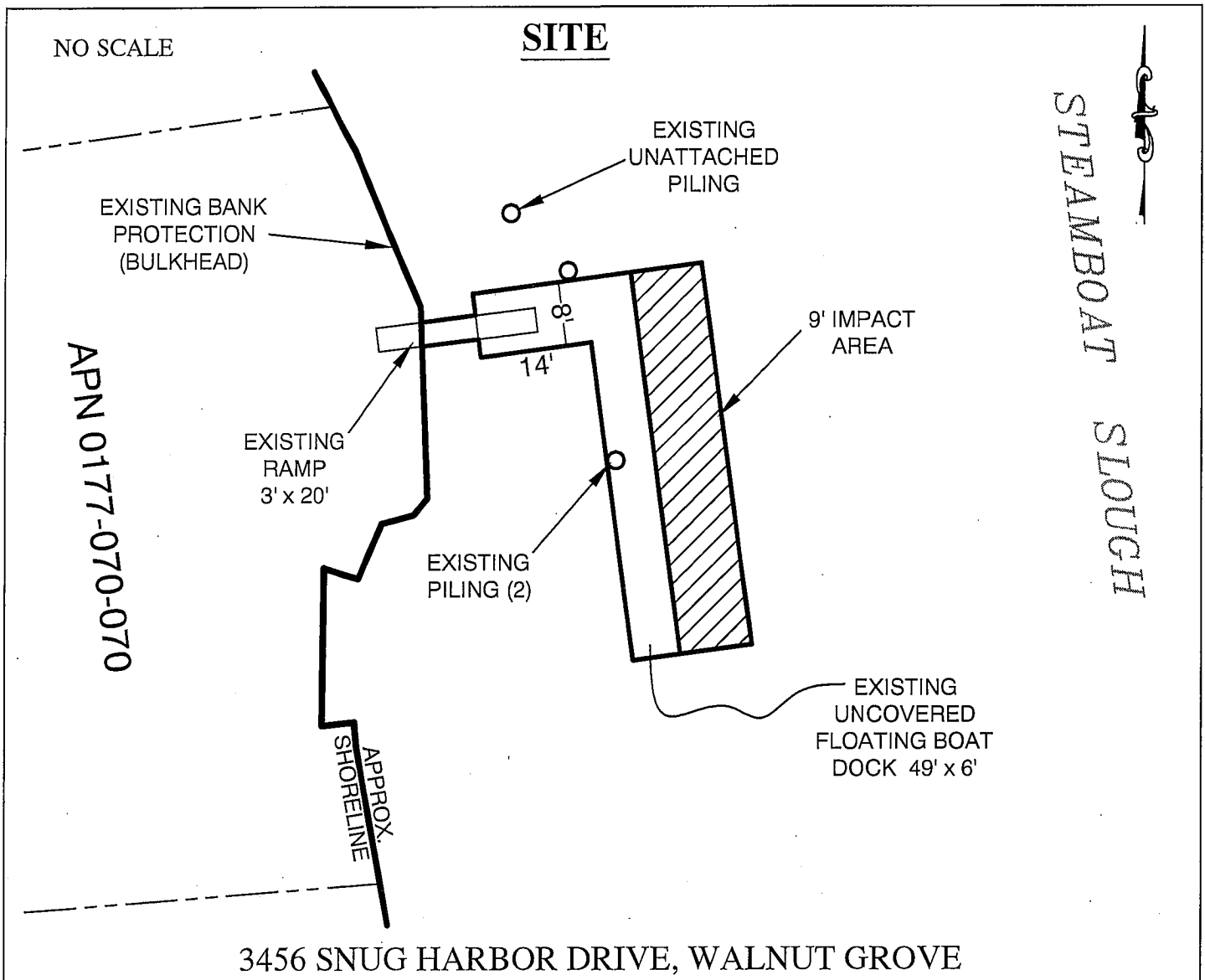
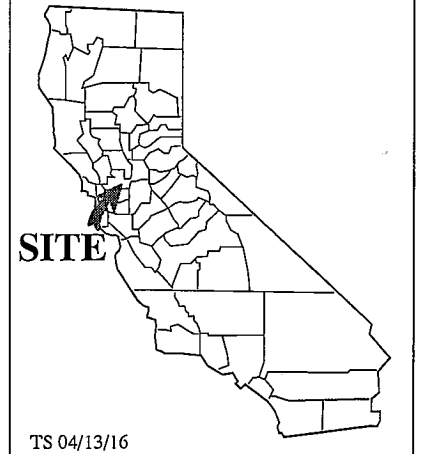


Exhibit B

PRC 7199.1
RAMOS
APN 0177-070-070
GENERAL LEASE -
RECREATIONAL AND
PROTECTIVE STRUCTURE USE
SOLANO COUNTY



This Exhibit is solely for purposes of generally defining the lease premises, is based on unverified information provided by the Lessee or other parties and is not intended to be, nor shall it be construed as, a waiver or limitation of any State interest in the subject or any other property.